

REMARKS

Claims 1-31 were in the application and were rejected under Section 112 and also in view of the Graves and Anderson references.

Initially, Applicant wishes to thank Examiner Wang for the courtesies extended during the recent interview. Applicant appreciated the opportunity to explain to Examiner Wang the operational status of the network that Applicant has built and is commercially operating in Ohio based on the inventions described and claimed in the present application. In particular, it was noted during the interview that, despite the wide geographic area over which Applicant's network extends, the "wireless last mile," end-to-end Ethernet network that has been produced enables Applicant to satisfy customers with extreme latency and other requirements in a commercially desirous manner. It also was explained in the interview how Applicant's network directs data over predetermined paths via network management commands to the Ethernet switches, as opposed to have data routers used to determine communication paths in the network (and involving evaluation of IP address information and access to routing tables, etc.). Applicant's network essentially is routerless, with data being directed over predetermined paths via control of Ethernet switches while maintaining the Ethernet protocol over a metropolitan network. As offered at the interview, Applicant is prepared to submit evidence of the commercial success and benefits being achieved with Applicant's network.

Applicant also appreciates the suggestions provided at the interview in terms of more specifically claiming Applicant's invention. Herein Applicant is submitting a new claim 1 written the manner discussed at the interview. Applicant submits that the claimed invention is supported by the specification and figures as originally submitted and as discussed at the interview. No new matter has been added. In order to expedite prosecution, Applicant is deleting claim 31 without prejudice (Applicant will consider method claims perhaps at a later time).

The presently presented claims distinguish over the cited references, also as discussed in the interview, by providing a Ethernet metropolitan area network utilizing a fiber optic ring, wireless connectivity to user facilities, while maintaining end-to-end Ethernet communications via a network managed via control of the Ethernet switches. As Applicant claims should now make clear, Applicant's network is a switched-type of network rather than a network premised on routing data via data routers (accessing routing tables and the like). Applicant's network provides

advantages, as discussed in the interview, and is readily distinguishable from the cited references, which do not disclose or suggest the foregoing combination of features utilized in Applicant's network.

Applicant also submits that the invention described in the claims is disclosed in the specification as filed and is amply illustrated in the drawings, as discussed in the interview. Accordingly, Applicant submits that the Section 112 matters should be obviated by the amendment and/or withdrawn. Applicant also notes that, subsequent to the last amendment, substitute formal drawings were submitted for this application.

As discussed in the interview, Applicant wishes to have a further opportunity to discuss the claims presented herein if the Examiner has any further questions regarding Applicant's invention and its benefits, advantages and distinctions over the cited references.

No new matter has been added.

Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

Respectfully submitted,



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I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.

